

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 610 - SB 614

March 30, 2011

SUMMARY OF BILL: Imposes new penalties for boating under the influence (BUI). For a first offense, the fine shall be no less than \$350 and no more than \$2,500; confinement for no less than 48 hours and no more than 11 month, 29 days; and prohibits operation of a vessel on public water for one year. For a second offense, the fine shall be no less than \$600 and no more than \$3,500; and confinement for no less than 45 days and no more than 11 months, 29 days; and prohibits operation of a vessel on public water for two years. For a third or subsequent offense, the fine shall be no less than \$1,100 and no more than \$10,000; confinement for no less than 120 days and no more than 11 months, 29 days; and prohibits operation of a vessel on public waters for no less than three years and no more than 10 years.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – Not Significant

Increase Local Revenue - \$6,600

Increase Local Expenditures - \$34,600*

Assumptions:

- According to the Tennessee Wildlife Resources Agency (TWRA), there were 56 convictions for BUI in 2010, 70 convictions in 2008, and 106 convictions in 2008.
- Not all BUI convictions have been adjudicated from 2010. The average number of convictions in 2009 and 2008 is 88 $[(106 + 70) / 2]$.
- Ninety percent of convictions (79) will be first time offenders; seven percent (6) will be second offenders; and three percent (3) will be third and subsequent offenders.
- Incarceration costs are calculated at \$43.85 per day.
- First time offenders will require a minimum of 48 hours in jail, resulting in an increase in local expenditures of \$6,928 (2 days x \$43.85 x 79 offenders). The minimum fine for a first offense increases \$100, from \$250 to \$350. The increase in local revenue will be \$7,900 (\$100 x 79 offenders).
- Second time offenders will require a minimum of 45 days in jail, resulting in an increase in local expenditures of \$11,840 (45 days x \$43.85 x 6). The minimum fine for a second offense increases \$100, from \$500 to \$600. The increase in local revenue will be \$600 (\$100 x 6 offenders).

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- Third and subsequent offenders will require a minimum of 120 days in jail, resulting in an increase in local expenditures of \$15,786 (120 days x \$43.85 x 3 offenders). The minimum fine for a third and subsequent offense increases \$100, from \$1,000 to \$1,100. The increase in local revenue will be \$300 (\$100 x 3).
- The increase in local revenue with 100 percent of offenders paying the fine will be \$8,800. (\$7,900 + \$600 + \$300). Twenty-five percent of offenders will be indigent and unable to pay the fine.
- The increase in local revenue will be \$6,600 (\$8,800 x 75%).
- The increase in local expenditures will be \$34,554 (\$6,928 + \$11,840 + \$15,786).
- The number of BUI penalties each year will not change as a result of increasing penalties for violations. Any increase in state expenditures will be not significant.

**Article II, Section 24 of the Tennessee Constitution provides that: No law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

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